

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

| | | |
|----------------------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CASE NO. DNCW5:17CR53 |
| |) | (Financial Litigation Unit) |
| |) | |
| TODD BARRY GREENBURG, |) | |
| Defendant, |) | |
| and |) | |
| |) | |
| COURTESY CJDR OF SUPERSTITUTION |) | |
| SPRINGS, |) | |
| Garnishee. | | |

ORDER OF CONTINUING GARNISHMENT

THIS MATTER IS BEFORE THE COURT on the answer of Courtesy CJDR of Superstitution Springs, as the Garnishee. On August 7, 2018, the Honorable Richard L. Voorhees sentenced the Defendant to six months' of incarceration for conviction of Tax Evasion – Evasion of Payment in violation of Title 26 U.S.C. § 7201. Judgment in the criminal case was filed on August 8, 2018 (Doc. No. 31). As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution in the amount of \$130,548.59 to the victim of the crime. *Id.*

On March 5, 2020, the Court entered a Writ of Continuing Garnishment (“Writ”) (Doc. No. 38) as to the Garnishee, Courtesy CJDR of Superstitution Springs. The Writ and other documents were mailed to the Defendant and the Garnishee on March 9, 2020 (Doc. No. 42). The Defendant was served with the Writ on September 2, 2020. The Garnishee was served with the Writ on March 13, 2020. The Garnishee filed an Answer on March 24, 2020 (Doc. No. 43) stating that at the time of the service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings.

IT IS, THEREFORE, ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$130,034.59 computed through March 5, 2020. The Garnishee will pay the United States the lesser of (1) up to twenty-five percent of the Defendant's disposable earnings which remain after all deductions required by law have been withheld, or (2) the amount by which the Defendant's disposable earnings for each week exceed 30 times the federal minimum wage, as well as one hundred percent of all 1099 payments. *See* 15 U.S.C. § 1673(a). The Garnishee will continue said payments until the debt to the Plaintiff is paid in full, or until the Garnishee no longer has custody, possession or control of any property belonging to the Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

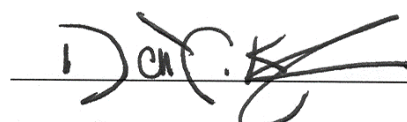
Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW5:17CR53.

IT IS FURTHER ORDERED that the Garnishee will advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

Signed: October 1, 2020



David C. Keesler
United States Magistrate Judge

